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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,434	10/24/2003	Thomas C. Frampton	1904-0081	2009

7590 09/22/2004

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/22/2004


Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,434

Applicant(s)

FRAMPTON, THOMAS C. 

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-15, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 17-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

This is the first office action for application number 10/693,434, Ball and Socket Assembly for Suspending an Object from a Sloped Surface, filed on October 24, 2003.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "113". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "69". Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if

Art Unit: 3632

only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 17-20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The parent claim 16 is drawn to a method for suspending an object from a surface comprising the steps of... the preamble of claims 17-20 is different from the parent claim and the claims further limit the ball member, which is not a step limitation.

Claim 10 is objected to because of the following informality: the recitation of "about 25 and 25 degrees" in line 2 of the claim should be changed to --about 25 and 55 degrees--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The preamble in claim 1 clearly indicates that a subcombination is being claimed, e.g., "a ball member for use with an assembly of the type used for suspending an object from a surface...". This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "a ball member," the assembly, object and surface being only functionally recited. This presents no problem as long as the body of the claim also refers to the assembly, object, and surface functionally.

The problem arises when the assembly is positively recited within the body of the claim, such as, "wherein the assembly typically includes," in line 2 of the claim. The examiner cannot be sure if applicant's intent is to claim merely the ball member or the ball member in combination with the assembly.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the ball member alone or the combination of the ball member and the assembly. Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the

intent is to claim the subcombination, then the body of the claims must be amended to remove positive recitation of the combination.

Claim 1 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "a ball member," in line 5 of the claim, is intended to refer to the original recitation of the term "A ball member," in line 1 of the claim. Also, note that an invention "a ball member" cannot comprise or include itself as a limitation.

Claim 1 recites the limitation "the ball" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the ball" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the ball" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,280,145 to Liu. Liu discloses a hanger bracket (20) for use with an assembly for suspending an object from a surface, the hanger bracket comprising: a top for being mounted to the surface, a bottom socket (25) for receiving a ball member

Art Unit: 3632

(31), and a wall connecting the bottom socket and the top, wherein the wall has at least one reinforcing member formed therein; wherein the bottom socket has a gap, and protruding member (26) is formed in the socket across from the gap.

Allowable Subject Matter

Claims 1, 7, and 12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-6, 8-11, and 13-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 16 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter in this application is the limitations of the ball member comprising a generally hemispherical body having a longitudinal axis, a bore extending through the body obliquely relative to the longitudinal axis of the body, included in independent claims 1, 7, 12, and 16, in combination with the other elements recited in the claims respectively, which is not found in the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 2,749,074 to Bodian

U.S. Patent 2,882,005 to Ramsing

U.S. Patent 4,64,345 to Stanek et al.

U.S. Patent 4,697,777 to Yang

U.S. Patent 5,090,654 to Ridings et al.

U.S. Patent 5,613,832 to Su

U.S. Patent 5,851,107 to Wang

U.S. Patent 5,947,436 to Bucher et al.

U.S. Patent 6,042,072 to Chi-Nan

U.S. Patent 6,200,095 to Bucher et al.

U.S. Patent Application Publication 2003/0213883 to Fu-Liang

U.S. Patent 6,761,540 to Tseng


Bodian discloses an aligner head and canopy assembly for a pendant light fixture.

Ramsing discloses a swivel canopy for a lightening fixture. Stanek et al. disclose a ceiling fan mounted close to the ceiling. Yang discloses a swivel canopy for hanging electrical fixtures. Ridings et al. disclose a cathedral ceiling adapter for mounting ceiling fans. Su discloses a device for engaging a remote control unit to a ceiling fan. Wang discloses suspension assemblies for ceiling fans. Bucher et al. disclose a ceiling fan hanger bracket, canopy, and canopy hole cover. Chi-Nan discloses a structure ceiling fan mount. Bucher et al. '095 disclose a ceiling fan having a hanging ball and coupler pin. Fu-Liang discloses a fan ball for mounting a ceiling fan. Tseng discloses a suspension device for a ceiling fan.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

September 19, 2004